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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,875	03/26/2004	Sandeep Relan	15488US01	9842
23446 7590 01/09/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
SAMS, MATTHEW C				
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2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,875

**Applicant(s)**

RELAN ET AL.

**Examiner**

MATTHEW SAMS

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30, 31 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30, 31 and 34-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/23/2008 have been fully considered but they are not persuasive.
2. In response to the applicant's argument regarding claim 30 that Miettinen fails to teach "wherein the command is transmitted wirelessly" (Page 5 Para 2), the examiner respectfully disagrees.

Miettinen teaches a dual mode mobile terminal (Fig. 2) that includes a transmitter (Fig. 2 [38]), a receiver (Fig. 2 [40]), RF, IR and Bluetooth transceivers (Fig. 2 [58, 62 & 64]) for sending and receiving commands (*i.e.* interrogation signals) wirelessly. (Col. 9 lines 58-67 "the transceiver may send one or more interrogation signals to the signaling tag, with each interrogation signal associated with different information" and Col. 9 lines 40-44 "the predefined distance between the signaling tag and the transceiver is typically short...a few centimeters")

3. In response to the applicant's argument regarding claim 37 that the "combination of Husain, Flitcroft and Kirkeby does not teach or fairly suggest "an audio signal carrying a control signal and encrypted account information" (Page 5-6), the examiner respectfully disagrees.

Flitcroft teaches the use of DES and RSA as encryption algorithms, which one of ordinary skill would recognize as being the basis for the SSL and TLS protocols as described by the applicant, which require the exchange of a public key, a random number encrypted by the public key and then transmitted back to the source of the

public key, the random number is decoded with a private key and the random number is then used as the encryption key for the remainder of the communication session. (*i.e.* the random number can be used because it is now known by both devices) Further, the use of any wireless protocol for transmission of the information can be considered encryption because the proper information must be known by the receiver in order to decode the transmission properly.

Kirkeby teach the ability to remotely control a device to be recording an audio signal, which one of ordinary skill in the art would recognize as the ability to record any audio signal intended by the system creator, including encrypted account information.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30, 31, 34-36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husain et al. (US-6,978,380 hereafter, Husain) in view of Miettinen (US-7,352,999) and Davis (US-5,867,793).

Regarding claim 30, Husain teaches a method of secure application and authorization of an account (Col. 5 lines 3-32) including having a mobile terminal (Col. 5 line 38-40) comprising an output for transmitting an application for credit over a first network (Col. 5 lines 33-36 & 43-51) and an input for receiving account information

associated with the application for credit over a second network. (Col. 6 lines 40-49) Husain teaches the use of wireless devices including PDAs and cellular phones (Col. 5 lines 36-40), but differs from the claimed invention by not explicitly reciting the second network comprises a GGSN.

In an analogous art, Miettinen teaches a dual mode mobile terminal device (Col. 5 lines 11-15) that communicates with a network comprising a Gateway GPRS Service Node (Fig. 1 [30] and Col. 4 line 47 through Col. 5 line 15), wherein the mobile terminal receives commands that are transmitted wirelessly (Col. 7 lines 5-39 & Col. 9 line 55-58) and cause the mobile terminal to perform a predetermined operation. (Col. 10 lines 7-10) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Husain after modifying it to incorporate the wirelessly programmable dual mode mobile terminal which communicates with at least one GGSN of Miettinen. One of ordinary skill in the art would have been motivated to do this since a dual mode mobile terminal provides the user with a larger geographical roaming area and the ability to receive location dependent information. (Col. 2 lines 24-35)

Husain in view of Miettinen teaches receiving a command wirelessly and performing a predetermined operation (Col. 9 line 55 through Col. 10 line 10), but differs from the claimed invention by not explicitly reciting the mobile terminal is operable to receive an audio signal and operable to record the account information after receiving the command.

In an analogous art, Davis teaches a cellular phone audio recorder that includes detecting a command (Col. 3 lines 6-10) in order to activate an audio recording feature. (Col. 2 lines 33-37 & 51-67) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the dual mode mobile terminal capable of receiving wireless commands and performing predetermined operations of Husain in view of Miettinen after modifying it to incorporate detecting a command to enable the audio recording capability of Davis. One of ordinary skill in the art would have been motivated to do this since it enables a user to conveniently receive, record and save information (Davis Col. 1 lines 35-54), which one of ordinary skill would recognize the information can include recording an account number.

Regarding claim 31, Husain in view of Miettinen and Davis teaches the first network comprises a packet network. (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claim 34, Husain in view of Miettinen and Davis teaches the application is transmitted during a session over the first network and wherein the account information is transmitted during a session over the second network (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67), and wherein the session over the first network is initiated by the mobile terminal and wherein the session over the second network is initiated by a node sending the account information associated with the application for credit to the mobile terminal. (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claims 35 and 36, Husain in view of Miettinen and Davis teaches the use of a first and second network for establishing a credit application (Husain Col. 5

lines 33-51 and Col. 6 lines 40-67), but differs from the claimed invention by not explicitly reciting the first network session is terminated (prior to) or (after) the establishment of the session with a second network. However, it would have been obvious to one of ordinary skill in the art to be motivated to terminate a first network session (prior to) or (after) the establishment of the session with a second network as a security precaution. (Husain Col. 6 lines 40-67)

Regarding claim 43, Husain in view of Miettinen and Davis teaches the command commands the mobile terminal to record the account information. (Husain Col. 6 lines 40-49 and Davis Col. 1 lines 35-54)

6. Claims 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husain in view of Flitcroft et al. (US-6,636,833 hereinafter, Flitcroft) and Kirkeby et al. (US-7,130,623 hereinafter, Kirkeby).

Regarding claims 37 and 41, Husain teaches a method of secure application and authorization of an account (Col. 5 lines 3-32) including having a mobile terminal (Col. 5 line 38-40) comprising:

a visual screen displaying a graphical user interface (required to view the web site in order to apply for the account on a wireless device or PDA Col. 5 lines 33-42), wherein the graphical user interface guides user input for an application of credit; (Col. 5 lines 14-42)

an output for transmitting the user input for an application for credit (Col. 5 lines 33-36 & 43-51) and a mobile terminal identifier (Col. 5 lines 14-32) over a pre-established first network connection; (Col. 5 lines 33-36 & 43-51)

an input for receiving account information associated with the application for credit over a second network. (Col. 6 lines 40-49)

Husain teaches the importance of security (Col. 6 lines 40-67), but differs from the claimed invention by not explicitly reciting the input receives a control signal and encrypted account information associated with the application for credit over a second network, wherein the control signal prompts the mobile terminal to decrypt the account information and save the account information to non-volatile memory.

In an analogous art, Flitcroft teaches a mobile terminal (Fig. 1 [140] and Col. 9 lines 60-63) that is operable to receive single-use credit card numbers via a wireless communication network (Col. 10 lines 47-50) that are encrypted (Col. 10 lines 44-45) and is operable to decrypt the account information in order to save the account information to non-volatile memory. (Col. 18 lines 59-63 and Col. 19 lines 10-14) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the mobile terminal of Husain after modifying it to incorporate the security features of Flitcroft since both inventions relate to electronic use/transmission of credit card account numbers and the security required to keep them from being compromised. (Husain Col. 6 lines 40-67 and Flitcroft Col. 19 lines 10-46, 65 through Col. 21 line 4)

Husain in view of Flitcroft differs from the claimed invention by not explicitly reciting a "control signal" that prompts the mobile terminal to decrypt the account information, save the account information to non-volatile memory and comprises a decryption protocol, however one of ordinary skill in the art would recognize that the



transmission of the additional single use credit card numbers to a mobile device as taught by Flitcroft (Col. 18 through Col. 21, including citations above) requires additional signaling in order to establish a communication over a cellular network (*i.e.* what security protocols are supported by both ends of the communication and which is the most secure) and it is obvious to one of ordinary skill in the art that if the single use credit card numbers are downloaded on an "as needed basis", wherein the credit card number will require immediate decryption in order to be used. Further, Flitcroft teaches the use of DES and RSA as encryption algorithms, which one of ordinary skill would recognize as being the basis for the SSL and TLS protocols as described by the applicant, which require the exchange of a public key, a random number encrypted by the public key and then transmitted back to the source of the public key, the random number is decoded with a private key and the random number is then used as the encryption key for the remainder of the communication session. (*i.e.* the random number can be used because it is now known by both devices) Therefore, the transmission of a control signal prior to a secure communication is well known in the art.

Husain in view of Flitcroft differs from the claimed invention by not explicitly reciting an audio signal carries the control signal and encrypted account information.

In an analogous art, Kirkeby teaches a system and method that allows for remote broadcast recording including a mobile communication terminal that receives an audio signal that includes a control signal which informs the portable device to begin recording. (Col. 14 line 18 and 41-43) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the mobile terminal of

Husain in view of Flitcroft after modifying it to incorporate the ability to remotely recording audio signals of Kirkeby since Flitcroft specifically enables the ability to wirelessly download credit card numbers to a portable telephone. (Col. 10 lines 44-50)

Regarding claim 38, Husain in view of Flitcroft and Kirkeby teaches the pre-established first network connection is a wireless internet connection. (Husain Col. 5 lines 33-42)

Regarding claim 39, Husain in view of Flitcroft and Kirkeby teaches the mobile terminal identifier is an IP address. (Husain Col. 5 line 26 "electronic address" and Col. 8 line 58 "TCP/IP")

Regarding claim 40, Husain in view of Flitcroft and Kirkeby teaches the mobile terminal identifier is a phone number. (Husain Col. 5 line 25)

Regarding claim 42, Husain in view of Flitcroft and Kirkeby teaches the use of a first and second network for establishing a credit application (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67), but differs from the claimed invention by not explicitly reciting the first network session is terminated after the establishment of the session with a second network. However, it would have been obvious to one of ordinary skill in the art to be motivated to terminate a first network session after the establishment of the session with a second network as a security precaution. (Husain Col. 6 lines 40-67)

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS  
12/31/2008

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617